

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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PFIZER INC.,

Plaintiff,

-against-

20 **CIVIL** 4920 (MKV)

**JUDGMENT**

UNITED STATES DEPARTMENT OF HEALTH  
AND HUMAN SERVICES, et al.,

Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated September 30, 2021, Pfizer's motion for summary judgment is DENIED. Defendants' motion to dismiss or, in the alternative, for summary judgment is GRANTED. With regard to the Charity Program that Pfizer intends to operate, the company's claims in Counts I, II, and III are not ripe for adjudication here and are dismissed. With regard to the Direct Program, the law is clear that absent an express carve-out, the Anti-Kickback Statute prohibits any remuneration intended to induce someone to purchase or receive a drug or medical service. No independent corrupt intent or direct quid pro quo is necessary. Because that is all the HHS OIG concluded when it issued an advisory opinion to Pfizer about the Direct Program, the agency's action is not contrary to law and the Court cannot declare that the Direct Program will not violate the Anti-Kickback Statute as Pfizer requests.

**Dated:** New York, New York

September 30, 2021

**RUBY J. KRAJICK**

BY:

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**Clerk of Court**

*R. mango*

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**Deputy Clerk**